

# MARICOPA COUNTY SUBDIVISION REGULATIONS

## Chapter 2 – Subdivision Application & Approval

### SECTION 201. PURPOSE

The purpose of this Chapter is to establish application, review, approval, and recordation processes for subdivisions (i.e., preliminary plats, final plats, replats, waivers, corrective plats, lot line relocations), and Development Master Plans.

### SECTION 202. PRELIMINARY PLAT

The preliminary plat stage of land subdivision includes detailed subdivision planning by subdivider, application submittal, review of the plat by the Department, the Technical Advisory Committee, and review and action by the Commission.

1. **APPLICATION SUBMITTAL:** A preliminary plat application shall be made to the Department. Such application shall be made on forms, together with documents and drawings, the precise contents of which shall be as provided by administrative guidelines as adopted by the Maricopa County Board of Supervisors. The preliminary plat application will not be considered accepted for processing until all required information as described in the aforementioned administrative guidelines is provided to the Department and appropriate fees as provided herein are paid.
2. **INFORMATION REQUIRED FOR PRELIMINARY PLAT SUBMITTAL:**  
A preliminary plat shall contain the following information areas (detail information required shall be as specified in the Administrative Guidelines):
  - a. Identification of the subdivision by name, location, legal description and zoning district.
  - b. Identification of persons involved in the preliminary plat application (e.g., owner, subdivider, engineer, surveyor).
  - c. Location of all lots in the subdivision and verification of Zoning Ordinance compliance. All lots which are considered potentially reserved for school sites and fire stations in accordance with Section 308 of these regulations shall also be shown on the preliminary plat.
  - d. Location of all public streets and private rights of way, both existing and proposed.
  - e. Quantification, and accurate location of all drainage features (e.g. regulatory and delineated floodplains, lakes, streams, washes, canals, irrigation laterals or tailwater ditches, drainage easements, drainage tracts, and retention or detention facilities), both existing and proposed.

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- f. Identification of method of providing domestic water supply and sewage collection, treatment and disposal facilities, both existing and proposed.
- g. Identification and location of all utilities in and for the subdivision, both existing and proposed.
- h. Identification of method of fire protection.
- i. Identification of a condominium and its characteristics, if applicable, and its conformance with zoning ordinance standards.
- j. Identification of a Unit Plan of Development and its characteristics, if applicable, and its conformance with zoning ordinance standards.
- k. A list by lot, parcel and/or tract number that identifies lot width and area for each lot, parcel and/or tract.
- l. Any other information as may be required by the administrative guidelines, in order to carry out the purpose and intent of these Regulations.
- m. Preliminary plat boundaries shall include all portions of any existing parcel included in the subdivision.

### 3. **DEPARTMENT/TECHNICAL ADVISORY COMMITTEE REVIEW PROCESS:**

- a. The subdivision shall be designed to comply with the requirements of the specific zoning district within which it is located. In the event that a change of zoning is necessary, a rezoning application may be processed concurrently.
- b. Upon acceptance of the preliminary plat application, the Department will distribute all application information to the following reviewing offices:
  - 1. Maricopa County Department of Transportation
  - 2. Flood control District of Maricopa County
  - 3. Maricopa County Environmental Services Department
  - 4. Maricopa County Department of emergency Management (where warranted)

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5. Maricopa County Parks Department
  6. Maricopa County Library District
  7. Arizona Department of Transportation (where warranted)
  8. Arizona Department of Water Resources
  9. Arizona State Historic Preservation Office
  10. Luke Air Force Base (where warranted)
  11. Salt River Project or Arizona Public Service as applicable
  12. Rural Metro or other appropriate fire department or district
  13. Superintendent of the appropriate school district
  14. Any city or town within three miles of the limits of the proposed subdivision
  15. Other organizations or individuals with special expertise or interest
- c. Upon acceptance of the preliminary plat application, the Department will schedule the matter for review at the next available Technical Advisory Committee meeting. The purpose of this Committee meeting is to resolve with all affected parties, technical problems with the proposed subdivision before hearing by the Commission. The subdivider and/or his representative(s) is/are required to attend the Technical Advisory committee to meet together with representatives of the Committee. More than one Technical Advisory Committee meeting may be required.
- d. The preliminary plat will not be scheduled for hearing by the Commission unless:
1. It contains all of the required information; and
  2. Written responses have been received from all county departments which have representatives on the Technical Advisory Committee that the preliminary plat is in satisfactory form.

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Scheduling of a preliminary plat for a commission hearing will be dependent upon adequacy of data presented and completion of review by all agencies concerned.

### 4. PRELIMINARY PLAT APPROVAL:

- a. If satisfied that all requirements of these regulations have been met, the Commission may approve the preliminary plat subject to stipulations. If approved a notation of approval shall be stamped on two copies of the plat, one being returned to the subdivider and one retained in the permanent file of the Department. Once approved, stipulations of approval can only be modified by the Commission subject to the required fee.
- b. If the Commission finds that the plat requires revision, the plat shall be held over pending revisions, resubmittal, processing and rescheduling for hearing.
- c. If a plat is rejected, the new filing of a plat for the same tract, or any part thereof, shall follow the aforementioned procedure and be subject to the required fee. If the plat is rejected, it shall be forwarded to the Board of Supervisor's (BOS) for final disposition. If the BOS rejects the plat, any new filing of the plat shall not be filed within a period of one (1) year unless in the opinion of the Commission there is a change of circumstances warranting such filing.
- d. Preliminary plat approval constitutes authorization for the subdivider to proceed with the preparation of the final plat and the engineering plans and specifications for public improvements. Preliminary approval is based on the following:
  - 1) The basic conditions under which preliminary approval of the plat is granted will not be changed prior to the expiration date.
  - 2) Preliminary plat approval is valid for a period of twenty four (24) months from the date of Commission action.
  - 3) For a preliminary plat that includes phases, the preliminary plat shall remain valid for a period not to exceed twenty-four (24) months from the date of recording of any final plat that conforms to the approved preliminary plat. This validity period may be administratively extended an additional twelve (12) months from

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the date of expiration, if in the opinion of the Director, satisfactory progress has been made towards completion of the final plat for the next phase of subdivision development.

- e. No application shall be scheduled for hearing by any board or commission acting pursuant to the "Maricopa County Subdivision Regulations (MCSR)", or administratively approved unless and until all fees and fines owed to the Department as a result of any activity or inactivity attributable to the property that is the subject of the application are brought current and paid in full or any amounts owed pursuant to an agreement of compliance are current, as the case may be. This requirement shall not be waived by the board/commission. <sup>\*1 \*2</sup>

### 5. PRELIMINARY PLAT EXTENSIONS:

- a. Upon written request by the property owner, a preliminary plat may be administratively extended for an additional period not to exceed twelve (12) months from the date of the expiration of the original approval by the Planning Commission, if in the opinion of the Director, satisfactory progress has been made towards completion of the final plat.
- b. If in the opinion of the Director, satisfactory progress has not been made then the request for extension will be scheduled for formal review by the Planning Commission.
- c. If any changes other than a time extension to the original approval of the preliminary plat by the Commission are proposed such as phasing, stipulations of approval, etc. an application for a new preliminary plat will be required and will follow the procedures outlined in Section 202.
- d. No application shall be scheduled for hearing by any board or commission acting pursuant to the "Maricopa County Subdivision Regulations (MCSR)", or administratively approved unless and until all fees and fines owed to the Department as a result of any activity or inactivity attributable to the property that is the subject of the application are brought current and paid in full or any amounts owed pursuant to an agreement of compliance are current, as the case may be. This requirement shall not be waived by the board/commission. <sup>\*1 \*2</sup>

## SECTION 203. FINAL PLAT

The final plat stage of land subdivision includes submittal, review and approval of the final plat and improvements required by the Board and recording of the plat with the

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County Recorder. The final plat shall conform to the approved preliminary plat and any stipulations thereto made by the Commission.

1. **APPLICATION SUBMITTAL:** A final plat application shall be made to the Department. In accordance with Arizona Revised Statutes, Section 32-101, a land surveyor registered in the State of Arizona is the only person that can sign a final plat. A registered engineer cannot sign a final plat unless he is registered as a land surveyor and uses the surveyor seal. Such application shall be made on forms, together with documents and drawings, the precise contents of which shall be as provided by administrative guidelines as adopted by the Maricopa County Board of Supervisors. The application must be submitted a minimum of 75 working days prior to the regular meeting at which the subdivider desires to be heard by the Board (this period of time for review may be shorter or longer based on the applicant's compliance with technical aspects of these Regulations). The final plat application will not be considered for processing until all required information as described in the aforementioned administrative guidelines is provided to the Department and appropriate fees as provided herein are paid.
2. **INFORMATION REQUIRED FOR FINAL PLAT SUBMITTAL:** A final plat shall contain the following information areas (detailed information required shall be as specified in the administrative guidelines):
  - a. Identification of the subdivision by name, location, legal description and zoning district.
  - b. Identification of persons involved in the plat preparation (e.g., owner, subdivider, engineer, surveyor, etc.).
  - c. Identification of all lots in the subdivision utilizing engineered data. This shall include certification by a registered professional land surveyor preparing the plat that it is correct and accurate. All lots which have been recommended by the Commission to be reserved for school sites and fire stations in accordance with Section 308 of these regulations shall also be shown on the final plat.
  - d. Identification of all public streets and private rights of way. This shall include the identification of dedication of all streets and alleys for public use, and an acknowledgment of that dedication.
  - e. Identification and accurate location of all drainage or water features such as washes, floodplains, drainage tracts or easements, lakes, etc. Maintenance responsibilities, building restrictions, and access

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requirements shall be specified for tracts or easements used for drainage, using language approved by the Flood Control District.

- f. Identification of method of fire protection.
- g. Identification of a condominium and its characteristics, if applicable, and its conformance with zoning ordinance standards.
- h. Identification of a Unit Plan of Development and its characteristics, if applicable, and its conformance with zoning ordinance standards.
- i. Assurance Statements regarding the following (specific format of Assurance Statements shall be as specified in the administrative guidelines):
  - 1) Pavement and improvement of roads.
  - 2) Utilities.
  - 3) 100-Year assured water supply.
- j. Certifications from the following Maricopa County Agencies (specific format of Certifications shall be as specified in the administrative guidelines):
  - 1) Maricopa County Department of Transportation.
  - 2) Maricopa County Assessor.
  - 3) Maricopa County Treasurer.
- k. A statement regarding adherence with the provisions of Article 1112 of the Maricopa County Zoning Ordinance (Outdoor Light Control Provisions).
- l. Notes on final plat delineating ownership and maintenance of all private streets and tracts.
- m. Space for approval of the Board under the signature of the Chairman of the Board and attested to by the Clerk of the Board.
- n. A list by lot, parcel and/or tract number that identifies lot width and area for each lot, parcel and/or tract. (Identify by footnote all changes made from preliminary plat list.)

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- o. Any other information as may be required by the administrative guidelines, in order to carry out the purpose and intent of these Regulations.

### 3. DEPARTMENT/COUNTY AGENCIES REVIEW PROCESS:

- a.
  - 1. Maricopa County Department of Transportation
  - 2. Flood Control District of Maricopa County
  - 3. Maricopa County Environmental Services Department
  - 4. Maricopa County Department of Emergency Management (where warranted)
  - 5. Maricopa County Parks Department
  - 6. Maricopa County Library District
  - 7. Arizona Department of Transportation Department (where warranted)
  - 8. Arizona Department of Water Resources
  - 9. Arizona State Historic Preservation Office
  - 10. Luke Air Force Base (where warranted)
  - 11. Salt River Project or Arizona Public Service as applicable
  - 12. Rural Metro or other appropriate fire department or district
  - 13. Superintendent of the appropriate school district
  - 14. Any city or town within three miles of the limits of the proposed subdivision
  - 15. Other organizations or individuals with special expertise or interest

The reviewing offices shall make known their recommendations in writing addressed to the department. The department shall assemble the recommendations of the various reviewing offices, and will make them available to the subdivider for any necessary revisions or corrections.



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- b. The reviewing agencies shall review said final plat. Once each of the primary reviewing agencies have indicated the proposed final plat was prepared in accordance with their respective requirements, the Planning and Development Department shall inform the subdivider of such. Upon such notification, the subdivider shall prepare no less than two (2) mylar copies of the final plat. The subdivider shall sign and have notarized the appropriate acknowledgements and dedications, and shall present said mylars to the Maricopa County Department of Transportation (MCDOT) for review and acceptance by the County Engineer (or Planning Director in the event of alternative assurances). Upon said acceptance, the subdivider shall retrieve the mylars from MCDOT and shall present said mylars to the Planning and Development Department, who shall then forward said mylars to the County Assessor's Office and County Treasurer's Office for their respective signatures. Upon receipt of said signatures, the Planning and Development Department shall retrieve said mylars and schedule the final plat for review by the Board of Supervisors.
  - c. No application shall be scheduled for hearing by any board or commission acting pursuant to the "Maricopa County Subdivision Regulations (MCSR)", or administratively approved unless and until all fees and fines owed to the Department as a result of any activity or inactivity attributable to the property that is the subject of the application are brought current and paid in full or any amounts owed pursuant to an agreement of compliance are current, as the case may be. This requirement shall not be waived by the board/commission. <sup>\*1 \*2</sup>
4. **FINAL PLAT APPROVAL:** Upon completion of the above signature procedure, the final plat shall be forwarded by the Planning and Development Department to the Board of Supervisors for approval provided the reviewing agencies have certified that their requirements have been met. The Department shall then assemble the above information, prepare a concise summary of the requirements and submit said summary together with the reviewers' recommendations at the next regular meeting of the Board.
5. **FINAL PLAT RECORDATION:** When the final plat has been approved by the Board, the mylar copies of the final plat shall be transmitted to the Clerk of the Board for signature. Upon such signature, the Clerk of the Board shall notify the Planning and Development Department, who shall in turn retrieve said mylars and present to the County Recorder's Office for recordation. If the recorder finds the mylars clear and legible, the recorder shall record all copies of the mylars and shall retain one (1) set for the public record, returning all remaining sets to the Planning and Development Department, who shall inform the subdivider that

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the plat has been recorded. If the recorder finds the mylars unsatisfactory, the recorder shall not record the mylars and shall return the mylars to the Planning and Development Department, who shall coordinate with the subdivider to remedy the deficiencies. Upon successful recordation, the subdivider shall retrieve the remaining mylars from the Planning and Development Department after reimbursing the Planning and Development Department for any redording fees. The subdivider shall provide the Planning and Development Department with five (5) full size bond copies of the recorded final plat. The subdivider shall also provide a copy of the approved final plat, in digitized form, to the Planning and Development Department and no final plat shall be recorded until the digitized plat is submitted. The digitized version of the approved final plat shall conform to the requirements and guidelines for digitized plats prepared by the Maricopa County Department of Transportation and the Maricopa County Records Office.

### SECTION 204. REPLATS

1. Any division of a lot or lots in a recorded subdivision into six (6) or more adjoining lots in a recorded subdivision, or in altering a tract specified for a specific use within the subdivision, but creating no new street, shall be processed in accordance with Section 203 (Final Plats) of these Regulations.
2. Any replat involving dedication of land for a public street or the creation of more than six (6) or more lots shall comply with all procedures set forth in Sections 202 (Preliminary Plat) and 203 (Final Plat) of these Regulations unless, at the discretion of the Director, the preliminary plat stage is waved.
3. If abandonment of a street, alley or easement (e.g., utilities, drainage, access, equestrian, non-vehicular, etc.) in a previously recorded subdivision is necessary during the process of replatting, the replat shall be processed in accordance with Sections 202 (Preliminary Plat) and 203 (Final Plat) of these Regulations, unless, at the discretion of the Planning and Development Director, the preliminary plat stage is waived.

### SECTION 205. CORRECTIVE PLATS

1. At the determination of the Director, corrections of minor survey, drafting or typographical errors on a recorded plat may be made with a corrective plat. These corrections must be illustrated on the recorded plat for clarity.
2. The corrective plat should indicate the items to be corrected and the reason for the correction. This shall be accomplished by adding a plat note to the recorded

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- plat. The note(s) shall be signed and sealed by the party responsible for the plat. In addition, the word corrective shall be added to the title block.
3. The corrective plat will be reviewed by the department for completeness and accuracy. If no revisions are necessary, the plat will be re-recorded with the Maricopa County Recorder's Office after receiving an approval signature from the Director.
  4. At the discretion of the director an affidavit of correction may be substituted for a corrective plat, but will be subject to the same requirements of a corrective plat as otherwise outlined in this section.

### SECTION 206. ABANDONMENTS

Pursuant to provisions of Title 18, Chapter 2, Article 1, Section 18-201, and Title 28, Chapter 14, Article I, Subsections 28-1901 through 28-1908, ARS, the abandonment of all or part of a recorded subdivision may be initiated by written petition to the Board, said petition to be signed by ten or more owners of real property in Maricopa County, requesting abandonment of all streets, alleys and easements within said subdivision and giving the legal description and recording information thereof. Applications for abandonment are filed with the Clerk of the Board and referred for recommendation to the Maricopa County Department of Transportation and the utility companies concerned. After approval of the abandonment of the streets, alleys and easements by the Board and upon recordation of the Abandonment Resolution and a subsequent County Road Map in the office of the Maricopa County Recorder, the subdivision is removed from official maps and the land reverts to acreage as far as the Assessor's records are concerned.

### SECTION 207. DEVELOPMENT MASTER PLAN

The Development Master Plan stage of land planning provides a site specific arrangement of various land uses, and includes conceptual planning by the owner; review of the Development Master Plan by the Department/Technical Advisory Committee; review and approval by the Commission; and approval by the Board of Supervisors.

1. **APPLICATION SUBMITTAL:** Application for approval of the Development Master Plan shall be made to the Department whenever it is the decision of the Department that:
  - a. The tract is sufficiently large enough to comprise an entire community;

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- b. The tract initially proposed for platting is a portion of a larger land holding of 640 acres or more of the owner or subdivider;
- c. Or the tract is a part of a larger land area, the development of which is complicated by unusual topographic, land use, land ownership or other conditions. Such application shall be made on forms, together with documents and drawings, the precise contents of which shall be as provided by Development Master Plan Guidelines as adopted by the Maricopa County Board of Supervisors. The Development Master Plan application will not be considered accepted for review until all required information as described in the Development Master Plan Guidelines is provided to the Department and appropriate fees as provided therein are paid.

Date of Revisions			
*1	Effective 6-01-2009 TA2009004	2	Effective 6-1-2010 TA2010004